

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

JEFFREY D. NEDROW (CABN 161299)
JEFFREY B. SCHENK (CABN 234355)
Assistant United States Attorneys

150 Almaden Blvd., Suite 900
San Jose, California 95113
Telephone: (408) 535-5054
Facsimile: (408) 535-5066
Email: jeff.nedrow@usdoj.gov
jeffrey.b.schenk@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CR 07-00788-LHK
)	
Plaintiff,)	AMENDED STIPULATION TO
)	CONTINUE TRIAL DATE AND
v.)	PROPOSED ORDER
)	
BRANDI AYCOCK,)	
)	
Defendant.)	

The United States, through its counsel Jeff Nedrow and Jeff Schenk, and defendant Brandi Aycock, through her counsel Ronald Gainor and Amber Donner, hereby agree and stipulate to a continuance of the trial date in this case presently scheduled for Monday, August 6, 2012 at 9:00 a.m. to Monday, August 20, 2012 at 9:00 a.m. before the Hon. Edward J. Davila.

The parties jointly make this request for the following reasons:

1) As a result of another trial proceeding before the Hon. Lucy H. Koh, the parties understand that this matter has been referred to the Hon. Edward J. Davila for purposes of overseeing trial in this case. The parties further understand that Judge Davila is unavailable for

1 purposes of trial proceedings from August 9, 2012 to August 17, 2012.

2 2) The parties respectfully jointly request a continuance of the trial date from August 6,
3 2012 to August 20, 2012. The reasons for this request are threefold. First, the change in the trial
4 schedule, and the ten-day “dark period” from August 9 to August 17, will require both parties to
5 make adjustments to witness schedules, and additional time is needed to make arrangements
6 regarding witness availability and scheduling. Second, both parties agree that beginning the trial
7 on August 20, 2012 is a more efficient and productive use of resources for the parties, the court,
8 the jury, and witnesses in light of the Court’s unavailability for trial from August 9 through
9 August 17. Third, on August 1, 2012, Aycock’s co-defendant, Randy Goldberg, is expected to
10 plead guilty. It is anticipated that this guilty plea will entail cooperation, and that Goldberg will
11 testify at Aycock’s trial. This development impacts witnesses, exhibits, and trial strategy as to
12 both parties, and in itself supports a brief continuance in this case. For all of these reasons, the
13 parties jointly agree that the 14-day delay entailed by this request is necessary for effective case
14 preparation by both parties.

15 In light of these facts, the parties agree that the time between August 6, 2012 and August
16 20, 2012 shall be excludable from the Speedy Trial Act requirements of Title 18, United States
17 Code, Section 3161 pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and
18 3161(h)(7)(B)(iv). The parties agree that the time is excludable in that the ends of justice served
19 by granting this continuance outweigh the best interests of the public and the defendant in an
20 earlier trial specifically based on the need for defense counsel to have adequate time to prepare
21 for trial. The parties agree that a continuance is necessary to ensure that defense counsel is
22 prepared to proceed to trial in this case, and denial of such a continuance would unreasonably
23 deny the defendant effective case preparation pursuant to 18 U.S.C. § 3161(h)(7)(A) and
24 3161(h)(7)(B)(iv).

25 It is so stipulated.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

Respectfully submitted,

MELINDA HAAG
UNITED STATES ATTORNEY

/s/

JEFFREY D. NEDROW
JEFFREY B. SCHENK
Assistant U.S. Attorneys

Dated: _____

/s/

RONALD GAINOR
AMBER DONNER
Attorneys for Brandi Aycock

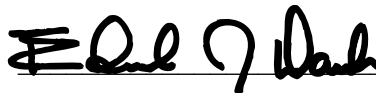
ORDER

Based on the stipulation of the parties and the facts set forth herein, good cause appearing,

IT IS HEREBY ORDERED that the trial date scheduled for August 6, 2012 is vacated. The trial is continued to Monday, August 20, 2012 at 9:00 a.m. before the Hon. Edward J. Davila.

The Court finds that the time between August 6, 2012 and August 20, 2012 shall be excludable from the Speedy Trial Act requirements of Title 18, United States Code, Section 3161 pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv). The Court finds that the time is excludable in that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in an earlier trial specifically based on the need for defense counsel to have adequate time to prepare for trial. The Court finds that a continuance is necessary to ensure that defense counsel is prepared to proceed to trial in this case, and denial of such a continuance would unreasonably deny the defendant effective case preparation pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

Dated this 1st day of August, 2012. The Pretrial Conference remains on for August 3, 2012 at 2:00 PM as scheduled.



United States District Judge
EDWARD J. DAVILA